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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | | | | | | | | |
|---|---------------|----------------------|---|------------------|---------------|------------|---------------------------|--|----------|--------------|------|--|
| 10/526,144 | 11/22/2005 | Kaiyan Wei | USP2651C/SZ049-STS | 2527 | | | | | | | | |
| 7590 Raymond Y Chan Suite 128 108 North Ynez Avenue Monterey Park, CA 91754 | | 12/19/2007 | <table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">BATTULA, PRADEEP CHOUDARY</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3722</td><td></td></tr></table> | | EXAMINER | | BATTULA, PRADEEP CHOUDARY | | ART UNIT | PAPER NUMBER | 3722 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,144

Applicant(s)

WEI, KAIYAN

Examiner

Pradeep C. Battula

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Definition

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: the claim is dependent on itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaish et al. (Kaish; U.S. 5,974,150) in view of Kerns et al. (Kerns; U.S. Pub. 2005/0264001).

In regards to Claim 1, Kaish discloses a texture coding label 1 for certifying authenticity of a commodity (Column 22, Lines 27 – 31), having at least a fabric texture portion [designated by 4 but the portion with fibers] and a two-dimensional bar code portion 9 (Column 22, Line 37; Figure 1, Item 9), wherein said fabric texture portion has a plurality of fiber threads 3 randomly distributed therewithin to form a fiber image (Column 22, Lines 27 – 31, 38 – 46; Figure 1, Item 3), wherein a two-dimensional bar code which is stored said two-dimensional bar code portion (Figure 1, Item 9; portion is designated by the indicia) and the two dimensional bar code being a combination of said fiber image (Column 22, Lines 38 – 42) and the bar code being through a first predetermined algorithm (Column 16, Lines 54 – 64).

Kaish does not disclose the two dimensional bar code being a combination of said fiber image and a serial number of said commodity through a first predetermined algorithm.

Kerns discloses a first predetermined algorithm to make a printable code such as a bar code and as an additional feature a serial number is used in combination with the bar code (Paragraph 0007). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the algorithm of the two dimensional bar code combined with the fiber image with a serial number in order to provide an article with several authentication features.

In regards to Claim 2, as applied to Claim 1, Kaish modified by Kerns further discloses wherein said fiber threads are transparent under nature light and emit visible lights under a radiation of light at certain wavelength (Column 22, Lines 27 – 31, Column 4, Lines 58 – 65 – Kaish ; Provided definition of dichroic).

In regards to Claim 3, as applied to Claims 1 or 2, Kaish modified by Kerns further discloses wherein said radiation of light at certain wavelength is selected from a group consisting of ultraviolet light and infrared light (Column 22, Lines 27 – 31, Column 4, Lines 58 – 65 – Kaish; Provided definition; term white light - it is well known that white light is sunlight and therefore ultraviolet light).

In regards to Claim 4, as applied to Claim 1, Kaish modified by Kerns further discloses wherein said fiber threads are pieces of colored fiber threads (Column 12, Lines 1 – 7; fibers are fluorescent; Kaish).

In regards to Claim 5, as applied to Claims 2 or 4, Kaish modified by Kerns further discloses wherein visible light from said fiber threads is selected from a group consisting of red, blue and orange (Column 12, Lines 1 – 7; fluorescent colors include orange, red and blue colors; Kaish).

In regards to Claim 6, as applied to Claims 2 or 4, Kaish modified by Kerns does not disclose the texture coding label further comprising an anti-forgery watermark. However, Kaish does disclose that it is well known in the art to provide watermarks in documents requiring authentication (Column 2, Lines 9 – 20). Therefore it would have been obvious to a person having ordinary skill in the art to further have a watermark in order to limit the likelihood of counterfeiting (Column 2, Lines 9 – 13).

In regards to Claim 7, as applied to Claim 6, Kaish modified by Kerns further discloses the texture coding label further having a displaying portion including a plurality of visible data 10 (Column 22, Lines 27 – 38; Figure 1, Item 10) and the data being generated by two-dimensional bar code (Encrypted message, MICR text, Glyph pattern) in said two-dimensional bar code portion through a second predetermined algorithm (Column 16, Lines 54 – 64; multi level algorithm for the data which encrypts the same information in different algorithms; Kaish).

In regards to Claim 8, as applied to Claim 7, Kaish further discloses the texture coding label further having a smooth surface (front surface since it is paper) and an opposed mat surface, wherein said mat surface has an adhesive ability for adhering on a surface of said commodity so as to attach said texture coding label on said commodity

(Column 22, Lines 27 – 31; Inherent it is adhesive since the item is a product label and labels are well known to have adhesive on the back side).

In regards to Claim 9, as applied to Claim 1, Kaish modified by Kerns further discloses further having an adhesive ability for adhering on a surface of said commodity so as to attach said texture coding label on said commodity (Column 22, Lines 27 – 31; Inherent it is adhesive since the item is a product label and labels are well known to have adhesive on the back side; Kaish).

In regards to Claim 10, as applied to Claim 1, Kaish modified by Kerns further discloses wherein said two-dimensional bar code portion can be overlapped on said fabric texture portion (Column 22, Lines 38 – 46; Fibers can be anywhere; Kaish).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pradeep C. Battula whose telephone number is 571-272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PCB
Patent Examiner
December 3, 2007

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER